

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



10/531923

Applicant's or agent's file reference C01.WO.1.10	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/04607	International filing date (day/month/year) 20.10.2003 ✓	Priority date (day/month/year) 21.10.2002 ✓
International Patent Classification (IPC) or both national classification and IPC A23G1/00		
Applicant C & G S.p.a et al. ✓		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet. ✓
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

## 3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 04.05.2004 ✓	Date of completion of this report 04.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer: Rauter, A Telephone No. +49 89 2399-8645 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/B 03/04607

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-5 as originally filed

**Claims, Numbers**

1-23 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/B 03/04607**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-23
	No: Claims	
Inventive step (IS)	Yes: Claims	1-23
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

**see separate sheet**

**SECTION V. ....**

1. The present application satisfies the criteria set forth in Article 33(1) PCT because the subject-matters of independent claims 1 and 13, and thus the embodiments of the corresponding dependent claims, are new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT), involves an inventive step (Rule 65(1)(2) PCT) and is considered industrially applicable.
2. Reference is made to the following documents:  
  
D1: EP-A-0 914 776  
D2: US-A-6 268 006
3. Presently claimed method (claim 1) differs from the closest prior art as disclosed in D1 in that the dehumidified air is blown at least in mutual detachment conditions (D) of the mould and the die in direction of protrusions through at least a supply means whose outlet flows directly into the environment, *ie* by the procedural measures as indicated in the characterising part. The claimed device (claim 13) comprises the corresponding technical features including the specific means for carrying out the method of claim 1. D2 discloses a method which essentially relates to maintaining the dewpoint of the atmosphere surrounding the shell below the temperature of the ram, however, there is no specific disclosure of features which resemble those as specified in the characterising parts the present method or the device claims.

The problem to be solved was to propose a device for controlling the condensate or frost formation in chocolate shell production. D1 proposes in that respect to move the air, which air can be dehumidified, inside a moulding chamber to render the atmosphere controllable; in a preferred embodiment the chamber is sealed effectively from the surrounding atmosphere by maintaining an overpressure inside the chamber compared to the surroundings. Even taking into consideration the teaching of D2, there are no indications available which could have rendered present embodiments as specified in both of the characterising parts of the method and the device claims obvious to the person skilled in the art.